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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,136	12/05/2003	Kunani Nihipali	121108.00002	8976
26707	7590	07/26/2005	EXAMINER	
QUARLES & BRADY LLP RENAISSANCE ONE TWO NORTH CENTRAL AVENUE PHOENIX, AZ 85004-2391			GIBSON, KESHIA L	
			ART UNIT	PAPER NUMBER
			3761	

DATE MAILED: 07/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/729,136

Applicant(s)

NIHIPALI, KUNANI

Examiner

Keshia Gibson

Art Unit

3761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Election/Restrictions

1. Applicant is advised that the current application contains multiple species. However, for purposes of this Office Action, the Examiner has not required an election of species be made.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the tray including multiple trays of Claims 2 and 11 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

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application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3-10, and 12-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Campbell (US 1,452,907).

In regard to Claim 1, Campbell discloses a steamatory (cabinet) comprising a chamber B, an access panel A, a tray K, steam ports (two steam inlets), a steam generator E (Fig. 1, lines 37-41 and 71-84). The tray is by the chamber Lines 42-45). The term "carried" has been interpreted to imply that the tray is not integral with the chamber and is therefore removable.

In regard to Claim 3, the tray K is made of a mesh wiring having openings (lines 42-63).

In regard to Claim 4, the steamatory has a funnel portion F for channeling drippings and a container for collecting the drippings (lines 42-63).

In regard to Claim 5, the chamber is to maintain the moisture of the contents contained within it (Lines 9-14).

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In regard to Claim 6, Campbell discloses an apparatus comprising a vessel B, a support structure K, and a plurality of steam ports (steam inlets) (lines 37-41 and 71-84).

In regard to Claim 7, the apparatus further comprises a steam generator E (lines 71-84).

In regard to Claim 8, an access panel A is coupled to the vessel B (Fig. 1; lines 37-41).

In regard to Claim 9, the apparatus further comprises a pan B and a lid A (lines 37-41).

In regard to Claim 10, the vessel comprises a tray K (Fig. 1; lines 42-63). (Also see discussion for Claim 1.)

In regard to Claim 12, see discussion for Claim 3.

In regard to Claim 13, see discussion for Claim 4.

In regard to Claim 14, see discussion for Claim 5.

In regard to Claims 15-20, Campbell discloses an apparatus for steaming foods (bodies) that meets the structural limitations of the claimed invention, as previously discussed. Furthermore, Campbell discloses using the apparatus by injecting steam into a chamber to warm food (bodies); the steam is generated then routed within the vessel (lines 64-87). Campbell further discloses that material that has fallen from the food (bodies) passes through the mesh trays, to a funnel that channels the fallen material to a container (lines 42-63). Additionally, Campbell discloses that the method is to maintain the moisture content of the vessel (lines 9-14). Again, the limitations for these claims were previously discussed. As such, Campbell is considered to anticipate the method of the claimed invention.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell in view of Muse (Us 3,776,127).

In regard to Claims 2-11, Campbell discloses the invention of claimed but does not expressly disclose that the steamatory/apparatus has multiple stacked shelves. Muse discloses an apparatus comprising a steam chamber 12 having a wire trays 32, 34, a lid 16, and a container 40 for receiving material that has fallen through the wire trays 32, 34 (Figs. 1-2; abstract; column 2, lines 20-27; column 3, lines 1-23). Muse teaches that the use of multiple racks (trays) within the chamber permits the cooking (steaming) of a larger quantity of meat (bodies, body parts, body items, etc.). One would have been motivated to modify the chamber of Campbell to provide for multiple trays as taught by Muse since doing so would permit the steaming of a large quantity of material within the

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chamber. Thus, it would have been obvious to one of ordinary skill in the art to modify the chamber of Campbell to provide for multiple trays as taught by Muse since doing so would permit the steaming of a large quantity of material within the chamber.

Conclusion


8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Howell (US 2,097,793), Iamonaco (US 1,272,046), Hanak (US 2,123,040), Dunkelman (US 3,320,945), Meister (US 4,506,598), Johansson (US 4,202,259), Abbate (US 4,123,969), and Ivey (US 4,279,058).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keshia Gibson whose telephone number is (571) 272-7136. The examiner can normally be reached on M-F 8:30 a.m. - 6 p.m., out every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

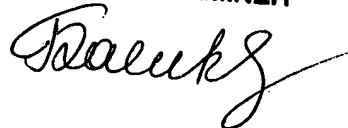
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Keshia Gibson
Examiner, Art Unit 3761
klg 7/20/05

TATYANA ZALUKAEVA
PRIMARY EXAMINER





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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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